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February 6, 2023

VIA ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Samuel Bankman-Fried*, 22 Cr. 673 (LAK)

Dear Judge Kaplan:

On behalf of our client, Samuel Bankman-Fried, we respectfully submit this letter to advise the Court that the parties have reached an agreement concerning Mr. Bankman-Fried's bail conditions after clarifying our mutual understanding of the scope of these conditions and after the Government exempted certain individuals from the proposed no-contact condition at the defense's request.

As a result of those discussions, the parties propose a modification to the restriction on the use of encrypted and ephemeral messaging apps, and otherwise have no proposed modifications to the bail conditions imposed at the arraignment and in the Court's order, dated February 1, 2023. (*See* Arraignment Tr. at 15; ECF No. 58 at 6-7).

Ephemeral call or messaging applications condition

The condition, as imposed by the Court, is currently the following:

The defendant shall not use any encrypted or ephemeral call or messaging application, including but not limited to Signal.

ECF No. 58 at 7.

The parties request that the condition be modified to the following:

The defendant shall not use any encrypted or ephemeral call or messaging application, including but not limited to Signal. The defendant shall be permitted to place voice calls, FaceTime calls, and Zoom audio and video calls, and use iMessage, SMS text

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message, email, and Facebook messenger. The defendant shall be permitted to use WhatsApp only if monitoring technology is installed on his cellphone that automatically logs and preserves all WhatsApp communications.

If the Court approves the conditions, the defense will withdraw its request to remove the asset transfer condition and we respectfully request that the Court cancel the oral argument scheduled for February 9, 2023.

Respectfully submitted,

/s/ Mark S. Cohen
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cc: All counsel of record (via ECF)